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Coercive Control: Crucial Legal Changes and Police Training

The disappearance of Gabby Petito in late August of 2021 received nationwide coverage, so much so that it led some to wonder why she was getting so much more attention than prior missing persons had.[1] Almost a month after her family reported her missing, medical examiners revealed the grim result of her autopsy: strangulation.[2] Petito's fiancé, Brian Laundrie, became the prime suspect. Soon enough, stories behind their seemingly picture-perfect relationship shed light on what else may have been going on behind closed doors.[3] One of Gabby's friends reported that Brian was extremely jealous and at times controlling over her.[4] She gave examples such as one time when Brian stole Gabby's ID because he did not want her going out.[5] Another time, Brian made Gabby stop sharing her location with her friends.[6] This controlling behavior can also be seen in the bodycam video when Gabby told the officer that she was worried that he would leave without her in their van. [7] This dashcam footage was quickly seen by many and illustrated one of the couple's last days together. Gabby was seen to be "uncontrollably crying" and told the police that she and Brian had been "fighting all morning." [8] Petito can be heard explaining her OCD and blaming herself for what had happened. [9] Because Petito admitted that she had slapped Brian and Brian pointed to the visible marks on his body, they framed her as the abuser.[10] This illustrates one of the most common misconceptions of domestic violence, that it is solely physical violence. [11] Gabby Petito's story has emphasized how pertinent it is for more expansive laws to be enacted and for police officers to have mandatory training in this unfortunately common situation.

There have been many studies conducted in recent years that illustrate the severity of domestic violence in the United States and around the world. The National Coalition Against Domestic Violence (NCADV) statistics show that "nearly 20 people per minute are physically abused by an intimate partner in the United States. [12] The CDC's 2015 National Intimate Partner and Sexual Violence Survey measured intimate partner violence based on four different types, namely sexual violence, stalking, physical violence, and psychological aggression.[13] The results were staggering and illustrated that "1 in 4 women and 1 in 10 men experienced contact sexual violence, physical violence, and or stalking by an intimate partner." [14] One increasingly common form of domestic violence is coercive control. Coercive control can be defined as "a systematic pattern of behavior that establishes dominance over another person through intimidation, isolation, and terror-inducting violence or threats of violence." [15] The CDC's National Intimate Partner and Sexual Violence Survey defined coercive control as "behaviors that are intended to monitor and control or threaten an intimate partner" and further provided examples such as "ke[eping] you from having your own money, from seeing or talking to family or friends, [and]

ke[eping] track of [you] by demanding to know where you were and what you were doing.”[16] Brian’s desire to keep Gabby from going out, Brian forcing her to stop sharing her location with friends, Gabby fearing that she would be left in the Utah desert alone, and Gabby blaming her mental health issues on herself can surely be classified under the coercive control category of domestic abuse.[17]

At this point, however, the majority of states do not have coercive control included in their domestic violence statutes.[18] Only Hawaii, California and Connecticut have codified coercive control into their state laws and a couple other states have proposed bills to their state legislatures.[19] California’s statute states that coercive control “is a pattern of behavior that in purpose or effect unreasonably interferes with a person’s free will and personal liberty.”[20] Some examples that are included are: “(1) Isolating the other party from friends, relatives, or other sources of support, (2) Depriving the other party of basic necessity; (3) Controlling, regulating, or monitoring the other party’s movements, communications, daily behavior, finances, economic resources, or access to services; (4) Compelling the other party by force, threat of force, or intimidation, including threats based on actual or suspected immigration status, to engage in conduct from which the other party has a right to abstain or to abstain from conduct in which the other party has a right to engage.”[21] This change in law has already taken place in other countries including England, Scotland, and Wales.[22] The altercation between Gabby and Brian took place in Moab, Utah, of which there is no coercive control statute. If there was, it is possible that the horrible outcome may have been different. It is essential for all states to broaden their definitions of coercive control, especially after seeing what happened to Gabby.

In addition, it is also imperative that police officers have more training in this regard. If the police at the scene had more training in domestic violence and knew the signs of domestic abuse, it is entirely possible that this may have been avoided. [23] This type of training has already begun in some countries such as in Scotland, where police are trained so that they can more readily identify victims of domestic violence.[24] One study that was done on trained police officers in England found the results to be very positive.[25] The research found that “force-wide training to raise awareness of issues in the policing of domestic abuse and of the crime of controlling or coercive behavior was associated with a 41 per cent increase in arrests for controlling or coercive behavior.”[26] This type of training should be implemented by police in the United States to better recognize and hold those coercive control abusers accountable for their actions to ensure that they do not get away with it just because the scars may not be visible.

[1] Jeremy Barr, *Even Within The Media, Some Question The Amount of Gabby Petito Coverage*, WASH. POST, (Sept 23, 2021, 9:42 AM), <https://www.washingtonpost.com/media/2021/09/23/gabby-petito-media-coverage-missing-white-black/>.

[2] Christina Maxouris, *A Timeline Of 22-Year-Old Gabby Petito's Case*, CNN, (Oct. 21, 2021, 7:29 PM),

<https://www.cnn.com/2021/09/16/us/gabby-petito-timeline-missing-case/index.html>.

[3] Patrick Reilly, *Brian Laundrie Was Controlling, Suffered ‘Episodes,’ Gabby Petito’s Friend Says*, (Sept. 17, 2021, 10: 48 PM), N.Y. POST, <https://nypost.com/2021/09/17/brian-laundrie-was-controlling-had-episodes-gabby-petito-pal/>.

[4] *Id.*

[5] *Id.*

[6] *Id.*

[7] *A Young Woman Vanished On A Cross-Country Trip. Her Boyfriend Is A Person Of Interest*, (Sept. 16, 2021, 8:50 AM), NPR, <https://www.npr.org/2021/09/16/1037829371/gabby-petito-missing-brian-laundrie>.

[8] Timothy Bella, *Police Pause Operation in Florida Preserve In Search Of Gabby Petito’s Fiancé*, WASH. POST, (Sept. 18, 2021, 7:58 PM), <https://www.washingtonpost.com/nation/2021/09/17/gabby-petito-laundrie-bodycam-video/>.

[9] *Id.*

[10] Mya Jaradat, *The Gabby Petito Case Shows The Limits Of America’s Domestic Violence Laws, Experts Say*, USA TODAY, (Oct. 9, 2021, 10:00 PM), <https://www.deseret.com/2021/10/9/22714742/gabby-petito-case-shows-the-limits-of-domestic-violence-laws-experts-say-brian-laundrie-moab>.

[11] Jaleesa Irizarry, *What Can The Gabby Petito Case Teach Us About Domestic Violence*, (Sept. 20, 2021, 6:01 PM), 9NEWS, <https://www.9news.com/article/news/local/gabby-petito-case-domestic-violence/73-386874e9-2c1a-4f9a-92da-1b2299023540>.

[12] *National Statistics*, NAT’L COAL. AGAINST DOMESTIC VIOLENCE, <https://ncadv.org/STATISTICS>.

[13] Sharon G. Smith et al., *The National Intimate Partner and Sexual Violence Survey (NISVS): 2015 Data Brief- Updated Release 7* (Nov. 2018). <https://www.cdc.gov/violenceprevention/pdf/2015data-brief508.pdf>.

[14] *Id.*

[15] Melissa E. Dichter et al., *Coercive Control in Intimate Partner Violence: Relationship With Women’s Experience of Violence, Use of Violence, and Danger*, 8 PSYCH. OF VIOLENCE, 596, 597 (stating that “individuals experiencing coercive control are often isolated from friends, family, or other support systems; entrapped within the relationship due to financial, logistical, social, or emotional barriers to escaping.”).

[16] Smith et al., *supra* note 13 at 7, 23.

[17] Lauren Krouse, *As A Domestic Violence Survivor, I Can’t Stop Thinking About Gabby Petito*, (Sept. 21, 2021, 2:13 PM), USATODAY, <https://www.usatoday.com/story/opinion/voices/2021/09/21/gabby-petito-domestic-violence-survivors-brian-laundrie-fbi-missing-body-found/5796033001/>.

[18] Lisa Aronson Fontes, *Domestic Violence Isn’t About Just Physical Violence- And State Laws Are Beginning to Recognize That*, THE CONVERSATION, (July 7, 2021, 12:52 PM), <https://theconversation.com/domestic-violence-isnt-about-just-physical-violence-and-state-laws-are-beginning-to-recognize-that-159025>.

[19] Carrie N. Baker, *Connecticut Governor Signs ‘Jennifer’s Law,’ Expanding Definition of Domestic Violence In Attempt To End Coercive Control In Intimate Relationships*, (Apr. 25, 2021), MS.MAG., <https://msmagazine.com/2021/04/25/ending-coercive-control-domestic-violence-connecticut/>.

[20] CAL.FAM.CODE § 6320(c)(1-4) (West 2021).

[21] *Id.*

[22] Jaradat, *supra* note 10.

[23] *Id.*

[24] *Id.*

[25] *Research Highlights Importance Of Training Police To Recognise Coercive Control and Domestic Abuse*, (Jan. 22, 2021), U. PORTSMOUTH, <https://www.port.ac.uk/news-events-and-blogs/news/research-highlights->

importance-of-training-police-to-recognise-coercive-control--and-domestic-abuse.

[26] *Id.*